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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MMB Docket No. **1001-0662**

NCR Docket No. **8657**

Group Art Unit: **3694**

Application of: **Joanne S. Walter**

Examiner: **Ella Colbert**

Serial No. **09/629,735**

Confirmation No. **4128**

Filed: **July 31, 2000**

Title: **Apparatus and Method for Maintaining a Children's Bank Account**

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**LETTER**

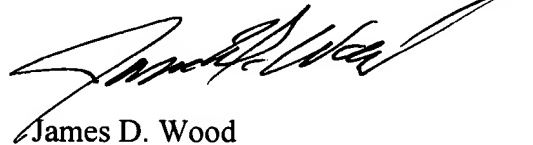
Sir:

Enclosed is an Amended Appeal Brief in connection with the above-identified patent application. The Notice of Appeal was filed on July 24, 2007, and an Appeal Brief was filed on September 24, 2007. This is a second appeal under 37 CFR § 41.31 and the \$500.00 fee required under 37 C.F.R. §41.20 (b)(2) has previously been submitted.

Additionally, please provide any extensions of time which may be necessary and charge any fees which may be due to Account No. 13-0014, but not to include any payment of issue fees.

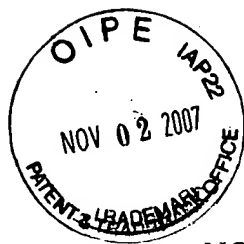
Respectfully submitted,

MAGINOT, MOORE & BECK LLP

A handwritten signature in black ink, appearing to read "James D. Wood", written over the printed name.

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**AMENDED APPEAL BRIEF**

Sir:

This Amended Appeal Brief is submitted to include a statement that claims 1-18 are canceled. While the Notification of Non-Compliant Appeal Brief invited the Appellant to file only a corrected statement of the status of the claims, the MPEP does not appear to allow such a submission. Specifically, MPEP 1205.03 states that in response to a notice of non-compliant appeal brief, "appellant is required to file an

amended brief that is either a complete new brief with the required corrections or a replacement section(s) as noted below.” The only identified requirements set forth in MPEP 1205.03 are 37 CFR 41.37(c)(1)(i) and 37 CFR 41.37(c)(1)(v). The status of the claims, required by 37 CFR 41.37(c)(1)(iii), is not so identified. Accordingly, the Appellant has submitted a complete appeal brief.

This is a second appeal under 37 CFR § 41.31 to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office from the rejection of the claims 19-38 of the above-identified patent application. These claims were indicated as rejected in an Office Action dated April 24, 2007. The \$500.00 fee required under 37 CFR § 41.20(b) (2) has been previously submitted. Also, please provide any extensions of time that may be necessary and charge any fees that may be due to Account No. 13-0014, but not to include any payment of issue fees.

#### **(1) REAL PARTY IN INTEREST**

NCR Corporation of Dayton, Ohio is the assignee of this patent application, and the real party in interest.

#### **(2) RELATED APPEALS AND INTERFERENCES**

There are no appeals or interferences related to this patent application (serial no. 09/629,735).

#### **(3) STATUS OF CLAIMS**

Claims 1-18 are canceled.

Claims 19-38 are pending in the application.

Claims 19-38 are rejected.

Claims 19-38 are being appealed, and are shown in the Appendix attached to this Appeal Brief.

#### **(4) STATUS OF AMENDMENTS**

Appellants have filed no amendments after receipt of the April 24, 2007, Office Action (the "Office Action").

#### **(5) SUMMARY OF CLAIMED SUBJECT MATTER**

The present invention relates to an apparatus and system for maintaining a child's automated bank account. (See, e.g. Appellant's specification at Abstract). In accordance with one non-limiting embodiment, an electronic banking terminal 10 includes a processing unit 12. (See, e.g. Appellant's specification at page 5, lines 20-21 and FIG. 1). The processing unit 12 includes network interface circuitry which provides for communications between the terminal 10 and a banking network. (See, e.g. Appellant's specification at page 11, lines 13-15).

In operation, the terminal 10 is used to maintain a bank account using a multi-tiered personal identification number (PIN) approach. (See, e.g. Appellant's specification at page 12, lines 3-8). Thus, a plurality of PINs are associated with a single bank account. (See, e.g. Appellant's specification at page 12, lines 9-12). A first PIN allows access to the account for withdrawal of an amount of money that is greater than

the amount of money that can be accessed when a second PIN is used to access the account. (See, e.g. Appellant's specification at page 12, lines 12-15).

Thus, the present invention relates to the access of a single account by a plurality of PINs wherein the privileges associated with the use of the account varies in accordance with the PIN used.

The additional information required by the United States Patent Office is as follows.

Claims 19, 20, 22, 29, 30, 32 and 38

Claims 19, 20, 22, 29, 30, 32 and 38 are argued together. Claim 19 is an independent claim. Claim 19 recites:

A method of operating an electronic banking terminal, comprising the steps of:  
(See, e.g. Appellant's specification at page 12, lines 1-5 and bank terminal 10 of FIG. 1)

(a) operating said terminal to permit deposit of funds into a banking account in response to entry of a first personal identification number (PIN number) into said terminal; (See, e.g. Appellant's specification at page 13, lines 3-12)

(b) operating said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number; (See, e.g. Appellant's specification at page 13, lines 3-12)

(c) operating said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal; and (See, e.g. Appellant's specification at page 12, lines 12-15)

(d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit. (See, e.g. Appellant's specification at page 12, lines 18-21)

#### Claim 29

Claim 29, which is argued with claim 19 as set forth above, is an independent claim which recites:

An electronic terminal, comprising (See, e.g. Appellant's specification at page 5, lines 20-23 and FIG. 1):

an input device for receiving input from a user (See, e.g. Appellant's specification at page 5, lines 20-23 and FIG. 1);

a processing unit electrically coupled to said input device (See, e.g. Appellant's specification at page 6, lines 3-10, page 8, lines 4-13 and FIG. 1); and

a memory device electrically coupled to said processing unit (See, e.g. Appellant's specification at page 6, lines 3-10), wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit, causes said processing unit to:

(a) operate said terminal to permit deposit of funds into a banking account in response to entry of a first personal identification number (PIN number) into said terminal (See, e.g. Appellant's specification at page 13, lines 6-9);

(b) operate said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being

different than said second PIN number (See, e.g. Appellant's specification at page 13, lines 9-13);

(c) operate said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal (See, e.g. Appellant's specification at page 12, lines 12-15); and

(d) operate said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit (See, e.g. Appellant's specification at page 12, lines 12-15).

#### Claim 38

Claim 38, which is argued separately, is an independent claim which recites:

An automated teller machine system comprising (See, e.g. Appellant's specification at page 2, lines 9-12, page 5, lines 20-23 and FIG. 1):

a processing unit operatively coupled to said input device (See, e.g. Appellant's specification at page 6, lines 3-10, page 8, lines 4-13 and FIG. 1); and

a memory device operatively coupled to said processing unit (See, e.g. Appellant's specification at page 6, lines 3-10), wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit, causes said processing unit to:

(a) compare a first received personal identification number (PIN number) with a plurality of PIN numbers associated with an account (See, e.g. Appellant's specification at page 12, lines 9-15);



(b) determine that the first received PIN number corresponds to a first of the plurality if PIN numbers (See, e.g. Appellant's specification at page 12, lines 9-15);

(c) permit reduction of funds from the account based upon the correspondence of the first received PIN number with the first of the plurality of PIN numbers (See, e.g. Appellant's specification at page 12, lines 9-15);

(d) compare a second received PIN number with the plurality of PIN numbers associated with the account (See, e.g. Appellant's specification at page 13, lines 13-18);

(e) determine that the second received PIN number corresponds to a second of the plurality of PIN numbers (See, e.g. Appellant's specification at page 13, lines 13-18);

(f) permit posting of funds to the account based upon the correspondence of the second received PIN number with the second of the plurality of PIN numbers (See, e.g. Appellant's specification at page 13, lines 13-18); and

(g) not permit removal of funds from the account based upon the correspondence of the second received PIN number with the second of the plurality of PIN numbers (See, e.g. Appellant's specification at page 13, lines 13-18).

## **(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The drawings have been objected to under 37 C.F.R. 1.83(a) for failing to show reference numbers 12, 14, 16, 18 and 20.

Claim 38 has been rejected under 35 U.S.C 112 first paragraph for failing to comply with the enablement requirement.

Claims 19-22, 24, 27, 29-33, 36 and 38 have been rejected under 35 U.S.C 112 second paragraph as being indefinite.

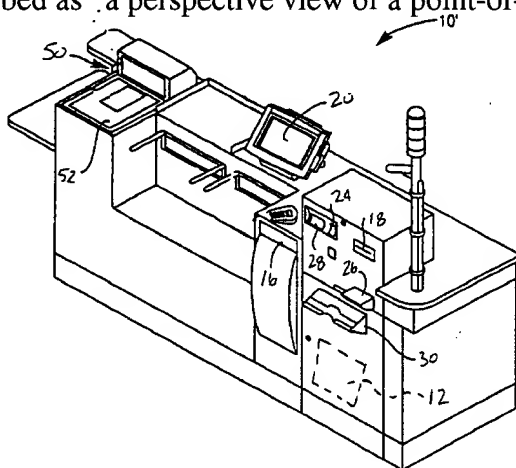
Claims 19, 20, 22, 29, 30, 32 and 38 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,173,269 to Sokol et al. (hereinafter “Sokol”)<sup>1</sup> in view of U.S. Patent No. 5,953,710 to Fleming (hereinafter “Fleming”).

Claims 23-28 and 33-37 stand rejected under 35 U.S.C. §103(a) as being obvious over Sokol and Fleming in view of U.S. Patent No. 5,897,625 to Gustin et al. (hereinafter “Gustin”).

## (7) ARGUMENT

### The Drawings are Sufficient

The drawings have been objected to under 37 C.F.R. 1.83(a) for failing to show reference numbers 12, 14, 16, 18 and 20 “as described in the specification.” (Office Action at page 2). FIG. 2 properly shows an embodiment of the components identified with the reference numbers 12, 14, 16, 18 and 20. Specifically, FIG. 2, which is set forth below, is described as “a perspective view of a point-of-sale retail terminal which



<sup>1</sup> By certificate of correction, the name of the first named inventor has been changed from “Solokl” to “Sokol.”

incorporates the features of the electronic banking terminal of FIG. 1.” (Appellant’s Specification at page 5, lines 8-9). The drawing reasonably illustrates a point-of-sale retail terminal.

The reference numbers 12, 14, 16, 18 and 20 are used to identify a processing unit 12, a currency acceptor/dispenser 14, a printer 16, a card reader 18 and a touch screen display monitor 20. FIG. 2 clearly shows a processing unit 12, a printer 16, a card reader 18 and a touch screen display monitor 20.

The currency acceptor/dispenser 14 is not specifically identified in FIG. 2. The currency acceptor/dispenser 14, however, “includes a pair of currency acceptors such as a coin acceptor 24 and a bill acceptor 26, along with a corresponding pair of currency dispensers such as a coin dispenser 28 and a bill dispenser 30.” (Appellant’s specification at page 6, lines 13-16). All of these components are labeled in FIG. 2.

Therefore, FIG. 2 provides one of ordinary skill in the art an understanding of the invention. Moreover, the components of the point-of-sale retail terminal depicted in FIG. 2 are described in the specification. Finally, the Examiner has previously considered the Appellant’s specification as evidenced by the office actions mailed on 3/26/04, 11/16/04, 5/19/05, and 11/07/05. The Examiner has never previously identified *any* difficulty in understanding FIG. 2. Accordingly, the Board of Appeals is respectfully requested to reverse the Examiner’s objection to the drawings in the Appellant’s specification.

### **Claim 38 is Enabled**

Claim 38 has been rejected under 35 U.S.C 112 first paragraph for failing to comply with the enablement requirement. Specifically, the Examiner has alleged that

“the comparing and correspondence of the PIN numbers is not found in Applicants’ Specification.” (Office Action at page 4). Claim 38 is fully enabled.

Specifically, the claim limitations apparently referred to by the Examiner are:

“(d) compare a second received PIN number with the plurality of PIN numbers associated with the account;

(e) determine that the second received PIN number corresponds to a second of the plurality of PIN numbers;

(f) permit posting of funds to the account based upon the correspondence of the second received PIN number with the second of the plurality of PIN numbers.”

The limitations are thus directed to software which compares an entered PIN with a stored PIN and allows various functions to be performed if the two PINs correspond.

35 U.S.C. 112 requires the specification to be enabling only to a person “skilled in the art to which it pertains, or with which it is most nearly connected.” The specification need not disclose what is well-known to those skilled in the art and preferably omits that which is well-known to those skilled and already available to the public. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991).

Generation of software which compares an entered PIN with a stored PIN and allows various functions to be performed if the two PINs correspond is well known. For example, the Wikipedia Online Encyclopedia, available at <http://en.wikipedia.org>, defines “PIN” as follows:

A personal identification number (PIN) is a secret numeric password shared between a user and a system that can be used to authenticate the user to the system. Typically, the user is required to provide a non-confidential user identifier or token (such as a banking card) and a confidential PIN to gain access to the system. Upon receiving the User ID and PIN, the system looks up the PIN based upon the User ID and compares the looked-up PIN with the received PIN. The user is granted access only when the number entered matches with the number stored in the system.

Therefore, based solely on the claim language, one of ordinary skill in the art would be able to practice the invention set forth in claim 38. Accordingly, the Board of Appeals is respectfully requested to reverse the Examiner's rejection of claim 38 under 35 U.S.C 112 first paragraph.

**Claims 19-22, 24, 27, 29-33, 36 and 38 are Definite**

Claims 19-22, 24, 27, 29-33, 36 and 38 have been rejected under 35 U.S.C 112 second paragraph as being indefinite. All of the claims are definite.

1. "To Permit" is Definite

Specifically, claims 19, 21, 22, 24, 27, 29, 31-33, 36 and 38 have been rejected for the inclusion of the term "to permit" "which the Examiner alleges is "indefinite and not a positive recitation in the claim limitations." (Office Action at page 5). As an initial matter, the Examiner has made this rejection for the first time in the Office Action. The Examiner had no such issue with the language when considering it in the office actions mailed on 11/16/04, 5/19/05, and 11/07/05, all of which dealt with claims using the term "to permit."

Moreover, the term "to permit" is commonly used in claims. For example, a search of the USPTO database for the term "to permit" in the claims resulted in a list of 147,777 issued patents. Several of those issued patents include patents examined by the present Examiner and her supervisor. (See, e.g., U.S. Patent No. 6,321,236, issued Nov. 20, 2001 to Zollinger et al. at claim 1 ("the data store configured to permit

modification...); U.S. Patent No. 6,353,811, to Weissman issued Mar. 5, 2002 at claim 5 (“said means for retrieving being structured to permit retrieval of said data.”)).

Finally, in the context of the claims, the clear meaning of the term “to permit” is that a function is enabled when a condition is met.

Therefore, the term “to permit” is not indefinite and is a positive recitation in the claim limitations. Accordingly, the Board of Appeals is respectfully requested to reverse the Examiner’s rejection of claims 19-22, 24, 27, 29-33, 36 and 38 under 35 U.S.C 112 second paragraph.

2. The Claims Identify Structures Which Enable Deposition of Funds

Claims 19, 21, 22, 24, 27, 29-33, 36 and 38 have been rejected for failing to “contain any structure in the claim limitations to enable the depositing of funds.” Office Action at page 5). Claim 19, from which claims 21, 22, 24 and 27 depend, recites a method of operating “an electronic banking terminal.” As described at page 5, lines 20-23, an electronic banking terminal is capable of receiving funds.

Claims 30-33 and 36 depend from claim 29. Claim 33 recites, in pertinent part:

The electronic terminal of claim 29, further comprising (i) a scanner operable to permit entry of an item for purchase into said terminal, and (ii) a currency acceptor operable to receive currency into said terminal.

Thus, as defined in the claims, an electronic terminal is structure which enables depositing of funds.

Claim 38 is directed to an “automated teller machine system.” The Wikipedia Online Encyclopedia, available at <http://en.wikipedia.org>, states that “[u]sing an ATM,

customers can access their bank accounts in order to make cash withdrawals (or credit card cash advances) and check their account balances. ATMs are known by various casual terms including automated banking machine, cash machine, hole-in-the-wall, cashpoint or Bancomat (in Europe and Russia).” Thus, an automated teller machine system enables depositing of funds.

Therefore, since all of the claims recite structure or processes involving structure which enables depositing of funds, the Board of Appeals is respectfully requested to reverse the Examiner’s rejection of claims 19, 21, 22, 24, 27, 29-33, 36 and 38 under 35 U.S.C 112 second paragraph.

3. “Funds” Encompasses “Gift Card Funds”

Claims 20 and 30 were rejected for failing to incorporate language “in order to have structure and what is said in claim 19 is being otherwise erased unless the claim limitation recites as shown.” (Office Action at page 5). The Examiner’s rejection is not clear. Moreover, claims 20 and 30 merely add limitations which further require the “funds” recited in the independent claims from which they depend to be based upon a gift card. Thus, no structure is erased.

Therefore, the Board of Appeals is respectfully requested to reverse the Examiner’s rejection of claims 20 and 30 under 35 U.S.C 112 second paragraph.

4. Recitation of Intended Use is not Per Se Indefinite

Claims 29, 30 and 38 have been rejected as indefinite for allegedly reciting “a desired result, or an intended use.” (Office Action at page 5). The Examiner has failed

to provide any basis for the proposition that language of intended use *ipso facto* renders a claim indefinite. Such a proposition is contrary to the MPEP. For example, MPEP 2111.02 states “[d]uring examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative difference) between the claimed invention and the prior art.” Thus, not only may the “intended use” be set forth in claims, but further, such intended use may result in structural limitations.

Therefore, even assuming *arguendo* that the language identified by the Examiner is “a desired result, or an intended use,” which it is not, the use of such language in a claim does not render the claim indefinite. Accordingly, the Board of Appeals is respectfully requested to reverse the Examiner’s rejection of claims 29, 30 and 38 under 35 U.S.C 112 second paragraph.

5. Conclusion

Based on the foregoing, the Appellant respectfully submits that all of the claims 19-22, 24, 27, 29-33, 36 and 38 are definite. Accordingly, the Board of Appeals is respectfully requested to reverse the Examiner’s rejection of claims 19-22, 24, 27, 29-33, 36 and 38 under 35 U.S.C 112 second paragraph.



## **Claims 19, 20, 22, 29, 30, 32 and 38 Are Not Obvious**

### *Discussion re: Patentability of Claim 19*

#### 1. Claim 19

Claim 19 recites the following:

A method of operating an electronic banking terminal, comprising the steps of:

- (a) operating said terminal to permit deposit of funds into a banking account in response to entry of a first personal identification number (PIN number) into said terminal;
- (b) operating said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number;
- (c) operating said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal; and
- (d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit.

Steps (a) and (c) of claim 19 recite that use of a first PIN allows funds to be deposited into the account and allows funds to be withdrawn from that same account. Steps (b) and (d) of claim 19 recite that use of a second PIN allows funds to be deposited into that same account and allows only a lesser amount of funds to be withdrawn from that same account. Therefore, claim 19 recites that a single account is accessed by two different PINs, with different rules applying to how the account may be used depending upon the PIN used to access the account.

#### 2. There is No Motivation for the Proposed Combination

The Examiner has utilized Sokol as a main reference with further reference to Fleming for the limitations admittedly missing in Sokol. (Office Action at page 7). One of ordinary skill in the art would not be motivated to combine the teachings of Sokol with Fleming, because Sokol already provides the benefit alleged to be provided by the combination.

Specifically, the Examiner argues that the proposed modification would “allow Sokol to keep track of the amount of money in the main account and to replenish the account when the money becomes low.” (Office Action at page 8). While the “main account” is not identified, the Examiner most likely intended to argue that the “teen account” is tracked and replenished when necessary. Sokol, however, already provides this capability. For example, at column 4 lines 23-28, Sokol teaches that “[a] database 15 at the service site maintains a record of all members and transactions. In some embodiments of the invention, the database may also maintain user account totals and balances, although it is not necessary to maintain this information (as discussed below).” Thus, the system of Sokol keeps track of the amount of money in the main account.

Additionally, at column 8, lines 57-65, Sokol teaches that:

Funds may be loaded into the teen's account by transferring the funds from the user's bank account. This account can be a parent's account and funds may be regularly transferred into the account, i.e. in the form of a periodic allowance. The funds may be transferred from a custodial account upon parental authorization. The funds may be transferred from a credit card or debit card on a periodic basis, i.e. as allowance, or on a one time basis, i.e. as a gift.

Thus, Sokol teaches automatic replenishment of the account.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Clearly, one skilled in the art would not be motivated to reconfigure a system to provide tracking and replenishment of funds when the system already provides that capability.

Accordingly, there is no teaching or suggestion to one skilled in the art to combine Sokol with Fleming, and a *prima facie* case of obviousness under 35 U.S.C. §

103 has not been established with regard to the invention of claim 19. Accordingly, the Board of Appeals is respectfully requested to reverse this rejection of claim 19.

3. Fleming Does Not Teach Steps (c) and (d) of Appellant's Claim 19

Moreover, the Examiner has acknowledged that Sokol fails to teach steps (c) and (d) of claim 19. (Office Action at page 7). The Examiner has alleged, however, that Fleming teaches step (c) at column 6, lines 6-20 and col. 7, lines 18-24, and further, that Fleming teaches step (d) at column 6, lines 48-67. Fleming does not teach, suggest or disclose the use of two different PINs for a single account.

As an initial matter, at column 6, lines 48-67 of Fleming, which the Examiner alleges to teach "withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said," the only reference to withdrawal limits are to the different limits that may be applied *to the child's card*. Thus, the account may be fully enabled, disabled, or partially enabled for a *single* user. There is no discussion, however, of two different users with two different limits.

Moreover, Fleming discloses a system wherein a child is given an account *separate* from the parents account. (See, e.g. Fleming at FIG. 2 showing the parent's account record 24 as separate from the child's account record 26). The accounts are "linked" in that the parent account identifies the child account and *vice versa*; however, the two accounts are separate. (Fleming at Abstract, FIG. 2). For example, to access the respective accounts, PIN numbers may be used. More specifically, the parent's account 24 *requires* the use of a PIN number (Fleming at column 6, lines 33-36) while a PIN for use with the child's account is "optionally" provided. (Fleming at column 6, lines 37-38).

Thus, while the owner of the parent account exerts some control over the child's account, the child account of Fleming is a second account with its own associated PIN. Therefore, Fleming discloses two different PINs, but the PINs are used to access two *different* accounts. The use of two *different* PINs to access two *different* accounts is not the same as the use of two *different* PINs to access the *same* account.

Therefore, because the Examiner has not identified two *different* PINs that access the *same* account in the system of Fleming, much less two different PINs with different limits of withdrawal from the *same* account, the proposed combination does not arrive at the invention recited in claim 19. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness and the Board of Appeals is respectfully requested to reverse this rejection of claim 19.

4. Conclusion

Therefore, for any of the reasons set forth above, a *prima facie* case of obviousness has not been established with respect to the invention of claim 19 and the Board of Appeals is respectfully requested to reverse the rejection of claim 19.

*Discussion re: Patentability of Claims 20 and 22*

Claims 20 and 22 depend from claim 19 and incorporate all the limitations of claim 19. Accordingly, claims 20 and 22 are patentable over the prior art for at least the same reasons as those set forth above in connection with claim 19.

*Discussion re: Patentability of Claim 29*

Claim 29 recites the following:

An electronic terminal, comprising:  
an input device for receiving input from a user;  
a processing unit electrically coupled to said input device; and  
a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit, causes said processing unit to:

- (a) operate said terminal to permit deposit of funds into a banking account in response to entry of a first personal identification number (PIN number) into said terminal;
- (b) operate said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number;
- (c) operate said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal; and
- (d) operate said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit.

Accordingly, claim 29 recites a terminal with a processing unit which executes commands stored in a memory device so as to permit user withdrawal of funds up to a first dollar amount limit from the banking account in response to entry of a first PIN into the terminal and to permit user withdrawal of funds up to a second dollar amount limit from the banking account in response to entry of a second PIN into the terminal. Therefore, a single account is accessed using two different PINs and different privileges are granted based upon the particular PIN used to access the account. For the purposes of this appeal, these are the same limitations discussed above with respect to claim 19.

The Examiner rejected claim 29 based upon the same combination of Sokol and Fleming and the same proposed motivation that was discussed above with respect to claim 19. (Office Action at page 8). Accordingly, claim 29 is patentable over the prior art for at least the same reasons as those set forth above with respect to claim 19. Therefore, the Board of Appeals is respectfully requested to reverse this rejection of claim 29.

*Discussion re: Patentability of Claims 30 and 32*

Claims 30 and 32 depend from claim 29 and incorporate all the limitations of claim 29. Accordingly, claims 30 and 32 are patentable over the prior art for at least the same reasons as those set forth above in connection with claim 29.

*Discussion re: Patentability of Claim 38*

Claim 38 recites the following:

An automated teller machine system comprising:  
a processing unit operatively coupled to said input device; and  
a memory device operatively coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit, causes said processing unit to:

- (a) compare a first received personal identification number (PIN number) with a plurality of PIN numbers associated with an account;
- (b) determine that the first received PIN number corresponds to a first of the plurality of PIN numbers;
- (c) permit reduction of funds from the account based upon the correspondence of the first received PIN number with the first of the plurality of PIN numbers;
- (d) compare a second received PIN number with the plurality of PIN numbers associated with the account;
- (e) determine that the second received PIN number corresponds to a second of the plurality of PIN numbers;
- (f) permit posting of funds to the account based upon the correspondence of the second received PIN number with the second of the plurality of PIN numbers; and
- (g) not permit removal of funds from the account based upon the correspondence of the second received PIN number with the second of the plurality of PIN numbers.

Accordingly, claim 38 recites an automatic teller system with a processing unit which executes commands stored in a memory device so as to permit user withdrawal of funds up to a first dollar amount limit from an account in response to entry of a first PIN into the terminal and to permit user withdrawal of funds up to a second dollar amount limit from the account in response to entry of a second PIN. Therefore, a single account is accessed using two different PINs and different privileges are granted based upon the

particular PIN used to access the account. For the purposes of this appeal, these are the same limitations discussed above with respect to claim 19.

The Examiner rejected claim 38 based upon the same combination of Sokol and Fleming and the same proposed motivation that was discussed above with respect to claim 19. (Office Action at page 8). Accordingly, claim 38 is patentable over the prior art for at least the same reasons as those set forth above with respect to claim 19. Therefore, the Board of Appeals is respectfully requested to reverse this rejection of claim 38.

#### **Claims 23-28 and 33-37 Are Not Obvious**

Claims 23-28 and 33-37 stand rejected under 35 U.S.C. §103(a) as being obvious over Sokol and Fleming in view of U.S. Patent No. 5,897,625 to Gustin et al. (hereinafter "Gustin"). Claims 23-28 and 33-37 are patentable over the prior art for at least the reasons set forth above with respect to claims 19 and 29.

Claims 23-28 depend, either directly or by way of one or more intermediate claims, from claim 19 and incorporate all the limitations of claim 19. The Examiner rejected claims 23-28 based primarily upon the same combination of art and reasoning set forth above with respect to the rejection of claim 19 with further reference to Gustin for the elements added by claims 23-28. (Office Action at pages 10-12). Accordingly, even if Sokol and Fleming are modified with Gustin as proposed by the Examiner, such modification does not correct the deficiencies of Sokol and Fleming that were discussed above.

Claims 33-37 depend, either directly or by way of one or more intermediate claims, from claim 29 and incorporate all the limitations of claim 29. The Examiner rejected claims 33-37 based primarily upon the same combination of art and reasoning set forth above with respect to the rejection of claim 29 with further reference to Gustin for the elements added by claims 33-37. (Office Action at pages 10-13). Accordingly, even if Sokol and Fleming are modified with Gustin as proposed by the Examiner, such modification does not correct the deficiencies of Sokol and Fleming that were discussed above.

Therefore, even assuming that Sokol and Fleming are modified with the teaching of Gustin, a *prima facie* case of obviousness under 35 U.S.C. § 103 has not been established with regard to the invention of claims 23-28 and 33-37 and the Board of Appeals is respectfully requested to reverse this rejection of claims 23-28 and 33-37.



**(8) CONCLUSION**

The drawings in the Appellant's specification are sufficient, claim 38 complies with the enablement requirement of 35 U.S.C 112 first paragraph and claims 19-22, 24, 27, 29-33, 36 and 38 are definite under 35 U.S.C 112 second paragraph. Additionally, claims 19, 20, 22, 29, 30, 32 and 38 are not obvious under 35 U.S.C. §103(a) over Sokol in view of Fleming and claims 23-28 and 33-37 are not obvious under 35 U.S.C. §103(a) over Sokol and Fleming in view of Gustin.

Respectfully submitted,

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**(9) CLAIMS APPENDIX**

Claim 19. A method of operating an electronic banking terminal, comprising the steps of:

(a) operating said terminal to permit deposit of funds into a banking account in response to entry of a first personal identification number (PIN number) into said terminal;

(b) operating said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number;

(c) operating said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal; and

(d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit.

Claim 20. The method of claim 19, wherein said step (a) includes the steps of:

(e) reading a code stored on a gift card to determine a gift dollar amount associated with said gift card, and

(f) depositing said gift dollar amount into said banking account in response to said reading step.

Claim 21. The method of claim 19, further comprising the steps of:

(e) operating said terminal to permit deposit of funds into said banking account in response to entry of a third PIN number into said terminal, said third PIN number being different than both said first PIN number and said second PIN number; and

(f) operating said terminal to prohibit withdrawal of funds from said banking account in response to entry of said third PIN number into said terminal.

Claim 22. The method of claim 19, wherein:

said banking account has an account number associated therewith,

said step (c) includes the step of operating said terminal to permit user withdrawal of funds up to said first dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said first PIN number, and

said step (d) includes the step of operating said terminal to permit user withdrawal of funds up to said second dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said second PIN number.

Claim 23. The method of claim 19, wherein:

said electronic banking terminal includes a point-of-sale retail terminal having a currency acceptor, and

said step (a) includes the step of operating said currency acceptor to accept a cash deposit into said terminal for said banking account.

Claim 24. The method of claim 23, further comprising the step of:

(e) operating said currency acceptor so as to permit cash to be accepted by said currency acceptor for payment of an item for purchase.

Claim 25. The method of claim 24, wherein:

said point-of-sale retail terminal further has a currency dispenser,

said step (c) includes the step of operating said currency dispenser to dispense currency up to said first dollar amount limit, and

said step (d) includes the step of operating said currency dispenser to dispense currency up to said second dollar amount limit.

Claim 26. The method of claim 25, further comprising the step of:

(f) operating said currency dispenser to provide change in response to cash being accepted by said currency acceptor for payment of said item for purchase.

Claim 27. The method of claim 24, wherein:

said point-of-sale retail terminal further has a touch screen monitor associated therewith,

said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number.

Claim 28. The method of claim 27, further comprising the step of:

(g) operating said touch screen monitor to enter an item code associated with said item for purchase into said terminal.

Claim 29. An electronic terminal, comprising:

an input device for receiving input from a user;

a processing unit electrically coupled to said input device; and

a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit, causes said processing unit to:

(a) operate said terminal to permit deposit of funds into a banking account in response to entry of a first personal identification number (PIN number) into said terminal;

(b) operate said terminal to permit deposit of funds into said banking account in response to entry of a second PIN number into said terminal, said first PIN number being different than said second PIN number;

(c) operate said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal; and

(d) operate said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit.

Claim 30. The electronic terminal of claim 29, further comprising a code reader configured to read a code stored on a gift card, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to:

(e) read said code stored on said gift card to determine a gift dollar amount associated with said gift card, and

(f) deposit said gift dollar amount into said banking account in response to said reading step.

Claim 31. The electronic terminal of claim 29, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to:

(e) operate said terminal to permit deposit of funds into said banking account in response to entry of a third PIN number into said terminal, said third PIN number being different than both said first PIN number and said second PIN number; and

(f) operate said terminal to prohibit withdrawal of funds from said banking account in response to entry of said third PIN number into said terminal.

Claim 32. The electronic terminal of claim 29, wherein:

said banking account has an account number associated therewith, and

said plurality of instructions, when executed by said processing unit, further causes said processing unit to:

operate said terminal to permit user withdrawal of funds up to said first dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said first PIN number, and

operate said terminal to permit user withdrawal of funds up to said second dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said second PIN number.

Claim 33. The electronic terminal of claim 29, further comprising (i) a scanner operable to permit entry of an item for purchase into said terminal, and (ii) a currency acceptor operable to receive currency into said terminal, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to:

operate said currency acceptor to accept a cash deposit into said terminal for said banking account, and

operate said currency acceptor so as to permit cash to be accepted by said currency acceptor for payment of an item for purchase.

Claim 34. The electronic terminal of claim 33, further comprising a currency dispenser for dispensing currency, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to:

operate said currency dispenser to dispense currency up to said first dollar amount limit, and

further operate said currency dispenser to dispense currency up to said second dollar amount limit.

Claim 35. The method of claim 34, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to:

operate said currency dispenser to provide change in response to cash being accepted by said currency acceptor for payment of said item for purchase.

Claim 36. The electronic terminal of claim 29, wherein:

said input device includes a touch screen monitor, and

said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number.

Claim 37. The electronic terminal of claim 36, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to:

(g) operate said touch screen monitor to enter an item code associated with said item for purchase into said terminal.

Claim 38. An automated teller machine system comprising:

a processing unit operatively coupled to said input device; and

a memory device operatively coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit, causes said processing unit to:



- (a) compare a first received personal identification number (PIN number) with a plurality of PIN numbers associated with an account;
- (b) determine that the first received PIN number corresponds to a first of the plurality of PIN numbers;
- (c) permit reduction of funds from the account based upon the correspondence of the first received PIN number with the first of the plurality of PIN numbers;
- (d) compare a second received PIN number with the plurality of PIN numbers associated with the account;
- (e) determine that the second received PIN number corresponds to a second of the plurality of PIN numbers;
- (f) permit posting of funds to the account based upon the correspondence of the second received PIN number with the second of the plurality of PIN numbers; and
- (g) not permit removal of funds from the account based upon the correspondence of the second received PIN number with the second of the plurality of PIN numbers.

**(10) EVIDENCE APPENDIX**

None.

**(11) RELATED PROCEEDINGS APPENDIX**

None.